

# SENATE RECORD VOTE ANALYSIS

105th Congress  
1st Session

Vote No. 110

June 19, 1997, 7:14 pm  
Page S-5998 Temp. Record

## DEFENSE AUTHORIZATION/Information on Explosives

**SUBJECT:** National Defense Authorization Act for fiscal year 1998 . . . S. 936. Feinstein/Biden amendment No. 419.

### ACTION: AMENDMENT AGREED TO, 94-0

**SYNOPSIS:** As reported, S. 936, the National Defense Authorization Act for fiscal year 1998, will authorize a total of \$268.2 billion in budget authority for national defense programs (the President requested \$265.6 billion). In real terms, this bill will provide \$3.3 billion less than was provided in fiscal year (FY) 1997.

**The Feinstein/Biden amendment** would make it illegal to teach or to demonstrate the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute by any means information pertaining in whole or in part to the manufacture or use of an explosive, destructive device, or weapon of mass destruction, with the intention that the teaching, demonstration, or information be used to commit or in furtherance of a Federal, State, or local crime. It would also be illegal to provide such instruction, demonstration, or information to a person with the knowledge that he or she would use it to commit or in furtherance of a Federal, State, or local crime. Violators could be fined and imprisoned for up to 20 years.

**Those favoring** the amendment contended:

The Feinstein/Biden amendment has strong bipartisan support. It would criminalize the dissemination of information on making bombs for criminal purposes. Right now the internet is littered with terrorist "how-to" manuals that give step-by-step instructions for making explosive devices that serve absolutely no legitimate purposes. "The Terrorists Handbook," for example, gives instructions on making a phone bomb, a book bomb, and a baby-food bomb. The number of illegal explosive devices that are being made and used has increased tremendously in recent years, and in most cases the guilty parties have been found to have one or more bomb instruction books or they have said that they used instructions off the internet to make the devices. In all too many cases, the bombers have been children and their victims have been children. The right to free speech does not include the right to conspire to

(See other side)

YEAS (94)				NAYS (0)		NOT VOTING (6)	
Republican (54 or 100%)		Democrats (40 or 100%)		Republicans (0 or 0%)	Democrats (0 or 0%)	Republicans (1)	Democrats (5)
Abraham	Hutchinson	Akaka	Kennedy			Helms- <sup>2</sup>	Bingaman- <sup>2</sup>
Allard	Hutchison	Baucus	Kerrey				Daschle- <sup>4</sup>
Ashcroft	Inhofe	Biden	Kerry				Harkin- <sup>2AY</sup>
Bennett	Jeffords	Boxer	Kohl				Inouye- <sup>2</sup>
Bond	Kempthorne	Breaux	Landrieu				Mikulski- <sup>2</sup>
Brownback	Kyl	Bryan	Lautenberg				
Burns	Lott	Bumpers	Leahy				
Campbell	Lugar	Byrd	Levin				
Chafee	Mack	Cleland	Lieberman				
Coats	McCain	Conrad	Moseley-Braun				
Cochran	McConnell	Dodd	Moynihan				
Collins	Murkowski	Dorgan	Murray				
Coverdell	Nickles	Durbin	Reed				
Craig	Roberts	Feingold	Reid				
D'Amato	Roth	Feinstein	Robb				
DeWine	Santorum	Ford	Rockefeller				
Domenici	Sessions	Glenn	Sarbanes				
Enzi	Shelby	Graham	Torricelli				
Faircloth	Smith, Bob	Hollings	Wellstone				
Frist	Smith, Gordon	Johnson	Wyden				
Gorton	Snowe						
Gramm	Specter						
Grams	Stevens						
Grassley	Thomas						
Gregg	Thompson						
Hagel	Thurmond						
Hatch	Warner						

#### EXPLANATION OF ABSENCE:

1—Official Business  
2—Necessarily Absent  
3—Illness  
4—Other

#### SYMBOLS:

AY—Announced Yea  
AN—Announced Nay  
PY—Paired Yea  
PN—Paired Nay

commit a felony. Providing deadly information that serves no legitimate purpose is not protected by the First Amendment. The Justice Department has carefully reviewed this matter and has helped draft the language of this amendment to make certain that it is constitutional. We have passed amendments on this subject before, only to see them dropped in conference; we hope that this time the Feinstein/Biden amendment will be retained by conferees and then enacted.

**No arguments were expressed in opposition to the amendment.**